

IN THE DISTRICT COURT OF THE UNITED STATES

For the Western District of New York

**OCTOBER 2013 GRAND JURY
(Impaneled 10/25/2013)**

THE UNITED STATES OF AMERICA

-vs-

INDICTMENT

**GREGORY KWIATKOWSKI,
RAYMOND KRUG, and
JOSEPH WENDEL**

Violations:

Title 18, United States Code,
Sections 241, 242, and 2
(5 Counts)

INTRODUCTION

1. At all times relevant to this Indictment, the defendants, GREGORY KWIATKOWSKI, RAYMOND KRUG, and JOSEPH WENDEL, were employed by the Buffalo, New York, Police Department and were on duty as police officers.

2. At all times relevant to this Indictment, D.S., J.C., D.D., and J.W., persons known to the Grand Jury, were citizens of the United States.

Count 1

The Grand Jury Charges That:

1. The allegations of the Introduction to this Indictment are incorporated herein by reference.

2. On or about the 31st day of May 2009, in the City of Buffalo, in the Western District of New York, the defendant, GREGORY KWIATKOWSKI, while acting under color of law, did engage in the use of unreasonable and excessive force on D.S. and did willfully deprive D.S. of rights, secured and protected by the Constitution of the United States, the right to be free from unreasonable seizure and the right to due process of law, by one acting under color of law, which include the right to be free from the use of unreasonable and excessive force, and the offense resulted in bodily injury to D.S.

All in violation of Title 18, United States Code, Section 242.

Count 2

The Grand Jury Further Charges That:

1. The allegations of the Introduction to this Indictment are incorporated herein by reference.

2. On or about the 31st day of May 2009, in the City of Buffalo, in the Western District of New York, the defendant, GREGORY KWIATKOWSKI, while acting under color of law, did engage in the use of unreasonable and excessive force on J.C. and did willfully deprive J.C. of rights, secured and protected by the Constitution of the United States, the right to be free from unreasonable seizure and the right to due process of law, by one acting under color of law, which include the right to be free from the use of unreasonable and excessive force, and the offense resulted in bodily injury to J.C.

All in violation of Title 18, United States Code, Section 242.

Count 3

The Grand Jury Further Charges That:

1. The allegations of the Introduction to this Indictment are incorporated herein by reference.

2. On or about the 31st day of May 2009, in the City of Buffalo, in the Western District of New York, the defendant, GREGORY KWIATKOWSKI, while acting under color of law, did engage in the use of unreasonable and excessive force on D.D. and did willfully deprive D.D. of rights, secured and protected by the Constitution of the United States, the right to be free from unreasonable seizure and the right to due process of law, by one acting under color of law, which include the right to be free from the use of unreasonable and excessive force.

All in violation of Title 18, United States Code, Section 242.

Count 4

The Grand Jury Further Charges That:

1. The allegations of the Introduction to this Indictment are incorporated herein by reference.

2. On or about the 31st day of May 2009, in the City of Buffalo, in the Western District of New York, the defendants, RAYMOND KRUG and JOSEPH WENDEL, while acting under color of law, did engage in the use of unreasonable and excessive force on D.S.

and did willfully deprive D.S. of rights, secured and protected by the Constitution of the United States, the right to be free from unreasonable seizure and the right to due process of law, by one acting under color of law, which include the right to be free from the use of unreasonable and excessive force, by shooting D.S. with a BB gun, and the offense resulted bodily injury to D.S.

All in violation of Title 18, United States Code, Sections 242 and 2.

Count 5

The Grand Jury Further Charges That:

1. The allegations of the Introduction to this Indictment are incorporated herein by reference.

2. On or about the 31st day of May 2009, in the City of Buffalo, in the Western District of New York, the defendants, GREGORY KWIATKOWSKI, RAYMOND KRUG, and JOSEPH WENDEL, while acting under color of law, knowingly and willfully conspired and agreed together and with each other to injure, oppress, threaten, and intimidate D.S., J.C., D.D., and J.W. in the free exercise and enjoyment of a right secured to them by the Constitution or laws of the United States, the right to be free from unreasonable seizure and the right to due process of law, by one acting under color of law, which include the right to be free from the use of unreasonable and excessive force, and who were at that time present in the State of New York, a state of the United States.

All in violation of Title 18, United States Code, Section 241.

DATED: Buffalo, New York, May 27, 2014.

WILLIAM J. HOCHUL, JR.
United States Attorney

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A TRUE BILL:

s/FOREPERSON